

# EXHIBIT A

## General Civil and Domestic Relations Case Filing Instructions

\*\*\*EFILED\*\*\*

File &amp; ServeXpress

Transaction ID: 66599524

Date: May 13 2021 12:00AM

Christopher G. Scott, Chief Clerk

Civil Division

1. Provide the class of court and county in which the case is being filed.
2. Provide the plaintiff's and defendant's names.
3. Provide the plaintiff's attorney's name and State Bar number. If you are representing yourself, provide your own name and check the self-represented box.
4. Provide the primary type of case by checking only *one* appropriate box. Cases can be either general civil or domestic relations and only *one* type of primary case within those categories. Check the case type that most accurately describes the primary case. If applicable, check one sub-type under the primary case type. If you are making more than one type of claim, check the case type that involves the largest amount of damages or the one you consider most important. See below for definitions of each case type.
5. Provide an answer to the four questions by checking the appropriate boxes and/or filling in the appropriate lines.

## Case Type Definitions

## General Civil Cases

**Automobile Tort:** Any tort case involving personal injury, property damage, or wrongful death resulting from alleged negligent operation of a motor vehicle.

**Civil Appeal:** Any case disputing the finding of a limited jurisdiction trial court, department, or administrative agency.

**Contempt/Modification/Other Post-Judgment:** Any case alleging failure to comply with a previously existing court order, seeking to change the terms of a previously existing court order, or any other post-judgment activity in a general civil case.

**Contract:** Any case involving a dispute over an agreement between two or more parties.

**Garnishment:** Any case where, after a monetary judgment, a third party who has money or other property belonging to the defendant is required to turn over such money or property to the court.

**General Tort:** Any tort case that is not defined or is not attributable to one of the other types of torts listed.

**Habeas Corpus:** Any case designed to review the legality of the detention or imprisonment of an individual, but not the question of his or her guilt or innocence.

**Injunction/Mandamus/Other Writ:** Cases involving a written court order directing a specific person to perform or refrain from performing a specific act.

**Landlord/Tenant:** Any case involving a landlord/tenant dispute if the landlord removed a tenant and his or her property from the premises or placed a lien on the tenant's property to repay a debt.

**Medical Malpractice Tort:** Any tort case that alleges misconduct or negligence by a person in the medical profession acting in a professional capacity, such as doctors, nurses, physician's assistants, dentists, etc.

**Product Liability Tort:** Any tort case that alleges an injury to a person was caused by the manufacturer or seller of an article due to a defect in, or the condition of, the article sold or an alleged breach of duty to provide suitable instructions to prevent injury.

**Real Property:** Any case involving disputes over the ownership, use, boundaries, or value of land.

**Restraining Petition:** Any petition for a restraining order that does not result from a domestic altercation or is not between parties in a domestic relationship.

**Other General Civil:** Any case that does not fit into one of the other defined case categories in which a plaintiff is requesting the enforcement or protection of a right or the redress or prevention of a wrong.

## Domestic Relations Cases

**Adoption:** Cases involving a request for the establishment of a new and permanent parent-child relationship between persons not biologically parent and child.

**Contempt:** Any case alleging failure to comply with a previously existing court order. If the contempt action deals with the non-payment of child support, medical support, or alimony, also check the corresponding sub-type box.

**Dissolution/Divorce/Separate Maintenance/Alimony:** Any case involving the dissolution of a marriage or the establishment of alimony or separate maintenance.

**Family Violence Petition:** Any case in which a protective order from a family member or domestic partner is requested.

**Modification:** Any case seeking to change the terms of a previously existing court order. If the modification deals with custody, parenting time, or visitation, also check the corresponding sub-type box.

**Paternity/Legitimation:** Cases involving establishment of the identity and/or responsibilities of the father of a minor child or a determination of biological offspring.

**Support – IV-D:** Cases filed by the Georgia Department of Human Services to request maintenance of a minor child by a person who is required under Title IV-D of the Social Security Act of 1973 (42 USC §§ 651-669b) to provide such maintenance.

**Support – Private (non-IV-D):** Cases filed to request maintenance of a parent/guardian or a minor child by a person who is required by a law other than Title IV-D of the Social Security Act of 1973 (42 USC §§ 651-669b) to provide such maintenance.

**Other Domestic Relations:** Domestic relations cases that do not adequately fit into any of the other case types, including name changes.

**Please note:** This form is for statistical purposes only. It shall have no legal effect in a case. The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or court rules. Information on this form will not be entered into evidence.

**General Civil and Domestic Relations Case Filing Information Form**☐ Superior or ☒ State Court of Fulton County**For Clerk Use Only**Date Filed \_\_\_\_\_  
MM-DD-YYYY

Case Number \_\_\_\_\_

**Plaintiff(s)**

Mayo Robert

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

**Defendant(s)**

ABF Freight System, Inc

Last First Middle I. Suffix Prefix

Howell Marion

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney Keith R. Foster State Bar Number 271001 Self-Represented ☐

Check one case type and one sub-type in the same box (if a sub-type applies):

**General Civil Cases**

- ☒ Automobile Tort
- ☐ Civil Appeal
- ☐ Contempt/Modification/Other Post-Judgment
- ☐ Contract
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☐ Other General Civil

**Domestic Relations Cases**

- ☐ Adoption
- ☐ Contempt
- ☐ Non-payment of child support, medical support, or alimony
- ☐ Dissolution/Divorce/Separate Maintenance/Alimony
- ☐ Family Violence Petition
- ☐ Modification
- ☐ Custody/Parenting Time/Visitation
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

- ☐ Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

**IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

ROBERT MAYO,	)	
	)	
Plaintiff,	)	CIVIL ACTION FILE NO.:
	)	_____
vs.	)	
	)	
MARION HOWELL individually,	)	
ARCBEST d/b/a ABF FREIGHT SYSTEM INC,	)	
	)	
Defendant.	)	

**PLAINTIFF'S COMPLAINT FOR DAMAGES**

**COMES NOW**, the Plaintiff, ROBERT MAYO (hereinafter "Plaintiff") by and through his Counsel of record Keith Foster, Attorney, and for the cause of action against MARION HOWELL individually and ARCBEST d/b/a ABF FREIGHT SYSTEM INC., (hereinafter "Defendants") and respectfully states:

1.

This suit is an action for personal injuries and damages arising out of a truck wreck that occurred in Dekalb County, Georgia on March 13, 2019.

**I. PARTIES, JURISDICTION AND VENUE**

2.

ROBERT MAYO is a resident of the State of Georgia.

3.

ARCBEST d/b/a ABF FREIGHT SYSTEM INC., (hereafter "ABF") is a Georgia corporation that operates a trucking company. ABF is headquartered at 8401 McClure Drive Fort Smith, AR 72916. It is subject to the jurisdiction of this Court. ABF may be served by

means of its registered agent in Georgia, which is Putnam C. Smith 112 North Main Street Cumming, Georgia 30040, Forsyth County.

4.

MARION HOWELL (hereafter “HOWELL”) was operating the tractor-trailer unit which was involved in the collision, out of which this cause of action arises. Mr. Howell resides at 108 Harris Drive Greer, SC and is a resident of the State of South Carolina, Greenville County and can be served with a Summons and Complaint for Personal Injuries at 108 Harris Drive Greer, SC 29651.

5.

Jurisdiction and Venue is proper in Fulton County pursuant to O.C.G.A. §14-2-510 (3).

## **II. FACTS**

9.

On May 13, 2019, the Plaintiff was a restrained driver of a 2018 Ford Escape traveling southbound onto Moreland Avenue just off of Conley Road.

10.

At that same time, Defendant MARION HOWELL was operating a 2018 Freightliner Conventional ST120 traveling on Moreland Avenue when he violently veered over and struck Plaintiff's vehicle, then Defendant Howell attempted to flee the scene of the accident. The collision caused significant injuries to Plaintiff.

11.

Mr. Howell was driving in the course of his employment or on behalf of ABF.

12.

Mr. Howell's tractor was owned and/or operated by ABF.

13.

Mr. Howell veered in the lane of travel of Plaintiff Mayo colliding with Plaintiff Mayo's vehicle causing extensive damages and bodily injuries.

14.

Mr. Howell's negligence includes, without limitation, his failure to keep a proper lookout and failing to maintain his lane.

15.

At the time of the wreck, Howell was an agent or employee of ABF and was acting within the course and scope of employment.

16.

Mr. Mayo was injured as a result of the collision.

### **III. CAUSE OF ACTION**

#### **COUNT I – NEGLIGENCE**

17.

Defendant Howell was negligent in the operation of his tractor-trailer.

18.

Since Defendant Howell was operating the tractor-trailer within the course and scope of his employment with ABF, negligence is imputed to ABF, and therefore, to the extent that Howell was negligent, ABF was negligent.

19.

In addition, ABF was negligent in the hiring, training, supervision and retention of Defendant Howell as a driver.

20.

As a result of Defendant Howell's negligence, which is imputed to ABF, and the negligence of ABF in hiring, training, supervision and retention, the Plaintiff was injured.

21.

Defendant Howell's concurrent negligence forms the basis for the Plaintiff's injuries. Howell's acts and/or omissions render him liable to the Plaintiff.

22.

Prior to the collision, Howell and ABF violated one or more safety rules, regulations, and industry standards.

23.

No action or failure to act by Mr. Mayo caused or contributed to the cause of the wreck.

#### **IV. DAMAGES**

31.

Mr. Mayo was injured in the May13, 2019 collision.

32.

Following the wreck, Mr. Mayo experienced neck and back pain.

33.

As a result of the wreck, Mr. Mayo had emergency room treatment.

34.

Mr. Mayo's injuries are genuine.

35.

Mr. Mayo has never once faked or exaggerated his injuries stemming from this car wreck.

36.

As a result of the wreck, Plaintiff suffered a loss of quality of life.

37.

Upon belief, Defendants Howell and ABF chose not to follow safety rules designed to prevent injuries.

**WHEREFORE**, Plaintiff respectfully prays as follows:

- (a) That judgment be entered against the Defendant on Plaintiff's Complaint in an amount to be determined at trial;
- (b) That all costs of this action be cast against the Defendant;
- (c) That the Court grant to such other and further relief that it deems just and proper; and
- (d) Trial by Jury.

Respectfully submitted, this 13<sup>th</sup> day of May, 2021.

/s/ **Keith R. Foster**

Keith R. Foster

Georgia Bar No.: 271001

*Attorney for Plaintiff*

**THE FOSTER FIRM, LLC**

One Crown Center

1895 Phoenix Blvd., Suite 110

Atlanta, Georgia 30349

(P): 404-559-8325

(F): 404-559-8335

Email: [kfoster@tfflaw.net](mailto:kfoster@tfflaw.net)



GEORGIA, FULTON COUNTY

State Court of Fulton County  
DO NOT WRITE IN THIS SPACE \*\*\*EFILED\*\*\*STATE COURT OF FULTON COUNTY  
Civil Division

CIVIL ACTION FILE #:

File & ServeXpress  
Transaction ID: 66599524  
Date: May 13 2021 12:00AM  
Christopher G. Scott, Chief Clerk  
Civil Division

Robert Mayo

1895 Phoenix Blvd, Suite 110

Atlanta, GA 30349

Plaintiff's Name, Address, City, State, Zip Code

vs.

ARCBEST d/b/a ABF Freight System, Inc.

112 North Main Street

Cummings, GA 30040

Defendant's Name, Address, City, State, Zip Code

## TYPE OF SUIT

## AMOUNT OF SUIT

<input type="checkbox"/> ACCOUNT	PRINCIPAL \$ _____
<input type="checkbox"/> CONTRACT	
<input type="checkbox"/> NOTE	INTEREST \$ _____
<input type="checkbox"/> TORT	
<input type="checkbox"/> PERSONAL INJURY	ATTY. FEES \$ _____
<input type="checkbox"/> FOREIGN JUDGMENT	
<input type="checkbox"/> TROVER	COURT COST \$ _____
<input type="checkbox"/> SPECIAL LIEN	
*****	
<input type="checkbox"/> NEW FILING	
<input type="checkbox"/> RE-FILING: PREVIOUS CASE NO. _____	

## SUMMONS

TO THE ABOVE NAMED-DEFENDANT:

You are hereby required to file with the Clerk of said court and to serve a copy on the Plaintiff's Attorney, or on Plaintiff if no Attorney, to-wit:

Name: Keith R. Foster

Address: 1895 Phoenix Blvd., Suite 110

City, State, Zip Code: Atlanta, GA 30349

Phone No.: 404-559-8325

An answer to this complaint, which is herewith served upon you, must be filed within thirty (30) days after service, not counting the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint, plus cost of this action. **DEFENSES MAY BE MADE & JURY TRIAL DEMANDED**, via electronic filing or, if desired, at the e-filing public access terminal in the Self-Help Center at 185 Central Ave., S.W., Ground Floor, Room TG300, Atlanta, GA 30303.

Christopher G. Scott, Chief Clerk (electronic signature)

## SERVICE INFORMATION:

Served, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

DEPUTY MARSHAL, STATE COURT OF FULTON COUNTY

WRITE VERDICT HERE:

We, the jury, find for \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. \_\_\_\_\_ Foreperson

(STAPLE TO FRONT OF COMPLAINT)

GEORGIA, FULTON COUNTY

State Court of Fulton County  
DO NOT WRITE IN THIS SPACE \*\*\*EFILED\*\*\*STATE COURT OF FULTON COUNTY  
Civil Division

CIVIL ACTION FILE #:

File & ServeXpress  
Transaction ID: 66599524  
Date: May 13 2021 12:00AM  
Christopher G. Scott, Chief Clerk  
Civil DivisionRobert Mayo  
1895 Phoenix Blvd, Suite 110  
Atlanta, GA 30349

Plaintiff's Name, Address, City, State, Zip Code

vs.

Marion Howell  
108 Harris Drive  
Greer, SC 29651

Defendant's Name, Address, City, State, Zip Code

TYPE OF SUIT	AMOUNT OF SUIT
<input type="checkbox"/> ACCOUNT	PRINCIPAL \$ _____
<input type="checkbox"/> CONTRACT	
<input type="checkbox"/> NOTE	INTEREST \$ _____
<input type="checkbox"/> TORT	
<input type="checkbox"/> PERSONAL INJURY	ATTY. FEES \$ _____
<input type="checkbox"/> FOREIGN JUDGMENT	
<input type="checkbox"/> TROVER	COURT COST \$ _____
<input type="checkbox"/> SPECIAL LIEN	
*****	
<input type="checkbox"/> NEW FILING	
<input type="checkbox"/> RE-FILING: PREVIOUS CASE NO. _____	

**SUMMONS**

TO THE ABOVE NAMED-DEFENDANT:

You are hereby required to file with the Clerk of said court and to serve a copy on the Plaintiff's Attorney, or on Plaintiff if no Attorney, to-wit:

Name: Keith R. Foster

Address: 1895 Phoenix Blvd., Suite 110

City, State, Zip Code: Atlanta, GA 30349 Phone No.: 404-559-8325

An answer to this complaint, which is herewith served upon you, must be filed within thirty (30) days after service, not counting the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint, plus cost of this action. **DEFENSES MAY BE MADE & JURY TRIAL DEMANDED**, via electronic filing or, if desired, at the e-filing public access terminal in the Self-Help Center at 185 Central Ave., S.W., Ground Floor, Room TG300, Atlanta, GA 30303.

Christopher G. Scott, Chief Clerk (electronic signature)

**SERVICE INFORMATION:**

Served, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

DEPUTY MARSHAL, STATE COURT OF FULTON COUNTY

WRITE VERDICT HERE:

We, the jury, find for \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. \_\_\_\_\_ Foreperson

(STAPLE TO FRONT OF COMPLAINT)

State Court of Fulton County  
AFFIDAVIT OF SERVICE \*\*E-FILED\*\*

Case:	Court: STATE COURT OF FULTON COURT	County: FULTON	Job: 5683218 (05152021)
Plaintiff / Petitioner: ROBERT MAYO		Defendant / Respondent: ARCBEST D/B/A ABF FREIGHT SYSTEM, INC	
Received by: Absolute Serve Attorney Services		For: THE FOSTER FIRM	
To be served upon: ARCBEST D/B/A ABF FREIGHT SYSTEM, INC			

21EV002946

5/24/2021 3:52 PM

Christopher G. Scott, Clerk  
Civil Division

I, Kelvin Stinyard, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address: Arcbest d/b/a ABF Freights c/o Nahseer Walker, 106 COLONY PARK DR Ste 800-B, CUMMING, GA 30040

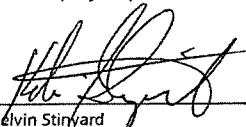
Manner of Service: Registered Agent, May 18, 2021, 11:52 am EDT

Documents: SUMMONS, PLAINTIFF'S COMPLAINT FOR DAMAGES

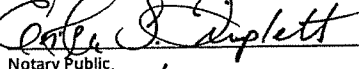
**Additional Comments:**

1) Successful Attempt: May 18, 2021, 11:52 am EDT at 106 COLONY PARK DR Ste 800-B, CUMMING, GA 30040 received by Arcbest d/b/a ABF Freights c/o Nahseer Walker. Age: 25; Ethnicity: African American; Gender: Male; Weight: 180; Height: 6'1"; Hair: Black; Relationship: SOB Intake Specialist;

The Company Corporation relocated to new address: 106 Colony Park, Ste 800-B, Cummings Ga

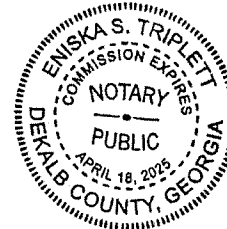
  
Kelvin Stinyard  
Date 5/24/2021

Subscribed and sworn to before me by the affiant who is personally known to me.

  
Notary Public

Date 5/24/2021 Commission Expires

Absolute Serve Attorney Services  
2470 WINDY HILL RD SE Ste 438  
MARIETTA, GA 30067  
5012570404



Copy from re:SearchGA